

ATTACHMENT 1

PATENT
Attorney Docket No. 08358.0006-00000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
Steffen Goletz)	Group Art Unit: 1642
Application No.: 10/524,738)	Examiner: Aeder, Sean E.
Filed: September 15, 2005)	
For: Process for the Production of)	Confirmation No.: 1565
Temperature-Induced Tumor Cell)	
Lysates for Use as Immunogenic)	
Compounds)	

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

DEPOSIT DECLARATION

I, Dr. Hans Baumeister, an authorized representative of assignee

Glycotope GmbH, do hereby declare:

1. Glycotope GmbH is the assignee of the above-identified patent application as evidenced by an assignment recorded on September 23, 2005 at Reel 016840, Frame 0161 in the United States Patent and Trademark Office.
2. On information and belief, NM-D4 cells were deposited under the provisions of the Budapest Treaty at Deutsche Sammlung von Mikroorganismen und Zellkulturen, Mascheroder Weg 1b, D-38124 Braunschweig, Germany on August 14, 2003, and assigned the deposit designation number DSM ACC2605.

3. A deposit receipt, International Form: Receipt in the Case of an Original Deposit Issued Pursuant to Rule 7.1, dated October 16, 2003, and a Viability Statement Issued Pursuant to Rule 10.2 from the Deutsche Sammlung von Mikroorganismen und Zellkulturen, also dated October 16, 2003, are attached to this declaration and relate to the DSM ACC2605 deposit.

4. On information and belief, NM-F9 cells were deposited under the provisions of the Budapest Treaty at Deutsche Sammlung von Mikroorganismen und Zellkulturen, Mascheroder Weg 1b, D-38124 Braunschweig, Germany on August 14, 2003, and assigned the deposit designation number DSM ACC2606.

5. A deposit receipt, International Form: Receipt in the Case of an Original Deposit Issued Pursuant to Rule 7.1, dated October 16, 2003, and a Viability Statement Issued Pursuant to Rule 10.2 from the Deutsche Sammlung von Mikroorganismen und Zellkulturen, also dated October 16, 2003, are attached to this declaration and relate to the DSM ACC2606 deposit.

6. On information and belief, the Deutsche Sammlung von Mikroorganismen und Zellkulturen has acquired the status of International Depository Authority within the meaning of the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of the Patent Procedure.

7. On information and belief, the Deutsche Sammlung von Mikroorganismen und Zellkulturen is a depository affording permanence to the deposit and ready accessibility thereto by the public if a patent is granted.

8. On information and belief, the material has been deposited under conditions that ensure that access to the material will be available during the pendency

of the patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.801-1.809.

9. Upon issuance of a patent on the above-identified application, Glycotope GmbH will irrevocably remove all restrictions on the availability of the deposited material to the public.

10. On information and belief, the deposited material will be stored with all care necessary to keep it viable and uncontaminated for a period of at least five years after the most recent request for the deposited microorganism, and in any case at least thirty (30) years after the date of a deposit or for the enforceable life of the patent, whichever is longer.

11. I acknowledge Glycotope GmbH's duty to replace the deposited culture should the depository be unable to furnish a sample when requested due to the condition of the deposit during the period that extends thirty (30) years from the date of the deposit, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposit, whichever period is longest.

12. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title of 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Signed this 30 day of November, 2007.

Signed: _____



Title: _____

COO / Head of Service unit

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

PCT/EP2003/009140

DSMZ

Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

Nemod Biotherapeutics GmbH & Co. KG
Robert-Rössle-Str. 10
13125 Berlin

REC'D 17 NOV 2003	
WIPO	PCT

RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: NM-D4	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2605
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2003-08-14 (Date of the original deposit) ¹ .	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request) for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): <i>V. Weitz</i> Date: 2003-10-16

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.
Form DSMZ-BP/4 (single name) 12/2001

BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
FOR THE PURPOSES OF PATENT PROCEDURE

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DSMZ

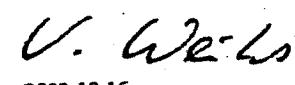
Deutsche Sammlung von
Mikroorganismen und
Zellkulturen GmbH

INTERNATIONAL FORM

Nemod Biotherapeutics GmbH & Co. KG
Robert-Rössle-Str. 10
13125 Berlin

REC'D 17 NOV 2003
WIPO PCT

VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: Nemod Biotherapeutics GmbH & Co. KG Address: Robert-Rössle-Str. 10 13125 Berlin		Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2605 Date of the deposit or the transfer: 2003-08-14	
III. VIABILITY STATEMENT			
The viability of the microorganism identified under II above was tested on On that date, the said microorganism was		2003-08-18	
(x) viable () no longer viable			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED ¹			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s):  Date: 2003-10-16	

- ¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
- ² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.
- ³ Mark with a cross the applicable box.
- ⁴ Fill in if the information has been requested and if the results of the test were negative.

INDICATIONS RELATING TO DEPOSITED MICROORGANISMS
OR OTHER BIOLOGICAL MATERIAL

(PCT Rule 13bis)

PCT/EP2003/009140

REC'D 17 NOV 2003

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A. The indications made below relate to the deposited microorganism or other biological material referred to in the description on page <u>22/23</u> , line <u>27 to 29</u>	
B. IDENTIFICATION OF DEPOSIT Further deposits are identified on an additional sheet <input type="checkbox"/>	
Name of depositary institution Deutsche Sammlung von Mikroorganismen und Zellkulturen	
Address of depositary institution (including postal code and country) Mascheroder Weg 1b 38124 Braunschweig DE	
Date of deposit August 14, 2003	Accession Number DSM ACC2605
C. ADDITIONAL INDICATIONS (leave blank if not applicable) This information is continued on an additional sheet <input type="checkbox"/>	
D. DESIGNATED STATES FOR WHICH INDICATIONS ARE MADE (if the indications are not for all designated States)	
Europe In respect to those designations in which a European patent is sought a sample of the deposited microorganism will be made available until the publication of the mention of the grant of the EP patent or until the date on which application has been refused or withdrawn or is deemed to be withdrawn, only by the issue of such a sample to an expert nominated by the person requesting the sample. (Rule 28(4) EPC)	
E. SEPARATE FURNISHING OF INDICATIONS (leave blank if not applicable)	
The indications listed below will be submitted to the International Bureau later (specify the general nature of the indications e.g., "Accession Number of Deposit")	
For receiving Office use only	For International Bureau use only
<input type="checkbox"/> This sheet was received with the international application	<input checked="" type="checkbox"/> This sheet was received by the International Bureau on:
Authorized officer	17 NOVEMBER 2003
	Authorized officer EKO

INTERNATIONAL FORM

Nemod Biotherapeutics GmbH & Co. KG
Robert-Rössle-Str. 10
13125 Berlin

REC'D 17 NOV 2003

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RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT
issued pursuant to Rule 7.1 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. IDENTIFICATION OF THE MICROORGANISM	
Identification reference given by the DEPOSITOR: NM-F9	Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM-ACC2606
II. SCIENTIFIC DESCRIPTION AND/OR PROPOSED TAXONOMIC DESIGNATION	
The microorganism identified under I. above was accompanied by: <input checked="" type="checkbox"/> a scientific description <input type="checkbox"/> a proposed taxonomic designation (Mark with a cross where applicable).	
III. RECEIPT AND ACCEPTANCE	
This International Depositary Authority accepts the microorganism identified under I. above, which was received by it on 2003-08-14 (Date of the original deposit). ¹	
IV. RECEIPT OF REQUEST FOR CONVERSION	
The microorganism identified under I. above was received by this International Depositary Authority on _____ (date of original deposit) and a request to convert the original deposit to a deposit under the Budapest Treaty was received by it on _____ (date of receipt of request for conversion).	
V. INTERNATIONAL DEPOSITARY AUTHORITY	
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig	Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): V. Weh Date: 2003-10-16

¹ Where Rule 6.4 (d) applies, such date is the date on which the status of international depositary authority was acquired.

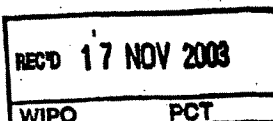
BUDAPEST TREATY ON THE INTERNATIONAL
RECOGNITION OF THE DEPOSIT OF MICROORGANISMS
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VIABILITY STATEMENT
issued pursuant to Rule 10.2 by the
INTERNATIONAL DEPOSITARY AUTHORITY
identified at the bottom of this page

I. DEPOSITOR		II. IDENTIFICATION OF THE MICROORGANISM	
Name: Nemod Biotherapeutics GmbH & Co. KG Robert-Rössle-Str. 10 Address: 13125 Berlin		Accession number given by the INTERNATIONAL DEPOSITARY AUTHORITY: DSM ACC2606 Date of the deposit or the transfer: 2003-08-14	
III. VIABILITY STATEMENT			
The viability of the microorganism identified under II above was tested on 2003-08-26 On that date, the said microorganism was <input checked="" type="checkbox"/> (x) viable <input type="checkbox"/> () no longer viable			
IV. CONDITIONS UNDER WHICH THE VIABILITY TEST HAS BEEN PERFORMED¹			
V. INTERNATIONAL DEPOSITARY AUTHORITY			
Name: DSMZ-DEUTSCHE SAMMLUNG VON MIKROORGANISMEN UND ZELLKULTUREN GmbH Address: Mascheroder Weg 1b D-38124 Braunschweig		Signature(s) of person(s) having the power to represent the International Depositary Authority or of authorized official(s): Date: 2003-10-16	

- ¹ Indicate the date of original deposit or, where a new deposit or a transfer has been made, the most recent relevant date (date of the new deposit or date of the transfer).
² In the cases referred to in Rule 10.2(a) (ii) and (iii), refer to the most recent viability test.
³ Mark with a cross the applicable box.
⁴ Fill in if the information has been requested and if the results of the test were negative.

Form DSMZ-BP/9 (sole page) 12/2001

INDICATIONS RELATING TO DEPOSITED MICROORGANISM
OR OTHER BIOLOGICAL MATERIAL

(PCT Rule 13bis)

PCT/EP2003/009140

REC'D 17 NOV 2003

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<p>A. The indications made below relate to the deposited microorganism or other biological material referred to in the description on page <u>22/23</u>, line <u>27 to 29</u></p>	
<p>B. IDENTIFICATION OF DEPOSIT Further deposits are identified on an additional sheet <input type="checkbox"/></p>	
<p>Name of depositary institution Deutsche Sammlung von Mikroorganismen und Zellkulturen</p>	
<p>Address of depositary institution (including postal code and country) Mascheroder Weg 1b 38124 Braunschweig DE</p>	
<p>Date of deposit August 14, 2003</p>	<p>Accession Number DSM ACC2606</p>
<p>C. ADDITIONAL INDICATIONS (leave blank if not applicable) This information is continued on an additional sheet <input type="checkbox"/></p>	
<p>D. DESIGNATED STATES FOR WHICH INDICATIONS ARE MADE (if the indications are not for all designated States)</p>	
<p>Europe In respect to those designations in which a European patent is sought a sample of the deposited microorganism will be made available until the publication of the mention of the grant of the EP patent or until the date on which application has been refused or withdrawn or is deemed to be withdrawn, only by the issue of such a sample to an expert nominated by the person requesting the</p>	
<p>E. SEPARATE FURNISHING OF INDICATIONS (leave blank if not applicable) <small>sample (Rule 28(4) EPC)</small></p>	
<p>The indications listed below will be submitted to the International Bureau later (specify the general nature of the indications e.g., "Accession Number of Deposit")</p>	
<p>For receiving Office use only</p> <p><input type="checkbox"/> This sheet was received with the international application</p> <p>Authorized officer</p>	<p>For International Bureau use only</p> <p><input checked="" type="checkbox"/> This sheet was received by the International Bureau on: 17 NOVEMBER 2003</p> <p>Authorized officer EKO</p>